THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.7277 OF 2003

ORDER:

The petitioner is a manufacturer of groundnut oil and other edible oils situated in Jammalamadugu, cuddapah district. It is stated that on 21.3.1994 there were large-scale riots at Jammalamadugu, consequent upon murder of the son of a former Member of Legislative Assembly, in which the petitioner-mill was damaged. It is claimed that the petitioner-mill sustained a loss of Rs.50.00 lakhs as evident from the First Information Report lodged with Jammalamadugu police in Cr.Nos.26 and 28/1994. However, in spite of several representations made requesting to compensate the loss suffered, there was no response from the respondents.

While so, under similar circumstances, basing on the requests made by the victims of riots that took place at Pulivendula, the Government issued G.O.Ms.No.112, General Administration (Law and Order) Department, dated 20.6.1998 sanctioning compensation towards the damage caused to the properties with regard to the incident that occurred at Pulivendula, Cuddapah district. Since such relief was not extended to the victims of Jammalamadugu, the petitioner filed W.P.No.32416 of 1998. The said writ petition was disposed of by this Court by order dated 23.11.1998 permitting the petitioner to make a representation. Accordingly, a representation was made and since there was no response, the petitioner filed W.P.No.19623 of 2000. The said writ petition was disposed of by order dated 30.1.2002 observing that the petitioner may make a representation to the District Magistrate and Collector, Cuddapah district, within a period of one week. Though such representation was made, since there was delay of 36 days in making the representation, the District Collector, Cuddepah, rejected the petitioner's request. Assailing the correctness of the said order, the petitioner filed

W.P.No.12933 of 2002. The said writ petition was disposed of by order dated 20.8.2002 directing the District Collector to dispose of the representation of the petitioner dated 9.3.2000 within a period of three weeks from the date of receipt of the said order. In pursuance thereof, the 3rd respondent passed the impugned order dated 21.9.2002 rejecting the claim of the petitioner. Challenging the said order, this writ petition has been filed contending *inter alia* that the impugned order passed mechanically without application of mind to the relevant factors was not only arbitrary and illegal, but also contrary to the orders of this Court in the earlier writ petitions.

In the counter-affidavit filed by the 3rd respondent-District Collector, Cuddapah district, it is stated that G.O.Ms.No.112 dated 20.6.1998 was issued for payment of compensation to the victims of arson that took place in Pulivendula Constituency in the year 1998 and that the same cannot be extended to other incidents happened in Jammalamadugu or elsewhere. It is also stated that M/s Oriental Insurance Company assessed the damage suffered by the petitioner and sanctioned a sum of Rs.5,15,145/- towards the damage caused to the building. The said amount was paid to M/s Thirumala Oil Mills by cheque dated 24.6.1994. The building and machinery belonging to M/s Thirumala Oil Mills were later leased out to the petitioner-mill. That apart, the proprietor of the petitioner-mill E. Siva Nagi Reddy was also paid a sum of Rs.1,16,400/- on 25.1.1995 by M/s Oriental Insurance Company, Proddatur, against the householder policy held by him for the damage caused to the household goods.

Having heard the learned counsel for both the parties and having perused the material on record, I do not find any justifiable reason to hold that the impugned order of the 3rd respondent dated 21.9.2002 suffers from any infirmity warranting interference by this Court. Apparently, G.O.Ms.No.112, dated 20.6.1998 provides for payment of compensation towards damage to the property in the violent incidents that occurred in Pulivendula in the last week of May 1998. Hence, it is

not open to the petitioner to make any claim for compensation on the basis of G.O.Ms.No.112, dated 20.6.1998. It is also relevant to note that there was no direction as such in any of the orders passed by this Court in the earlier writ petitions to consider the request of the writ petitioner in terms of G.O.Ms.No.112, dated 20.6.1998. While disposing of W.P.No.12933 of 2002, this Court has merely observed that it is open to the 3rd respondent to pass appropriate orders keeping in view the guidelines issued under G.O.Ms.No.112 dated 20.6.1998, which was accordingly considered and rejected by the 3rd respondent. It is also relevant to note that, whereas the incident complained of by the petitioner took place on 21.3.1994, the petitioner appears to have made a representation in the year 1998 claiming compensation on par with the victims of the violent incidents that occurred at Pulivendula. Therefore, the 3rd respondent was justified in observing that in the absence of proper assessment of the damage caused to the properties of the petitioner long back in the year 1994, it was not possible to consider the request of the petitioner.

Hence, *mandamus* cannot be issued compelling the respondents to pay compensation to the petitioner on the basis of G.O.Ms.No.112 dated 20.6.1998

Accordingly, the writ petition is dismissed. No costs.

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26.9.2007.

Kgr.

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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.7277 OF 2003

29th September, 2007.

Between:

M/s Bhagyalakshmi Oil Mill,
Represented by its Proprietor,
E. Sivanagi Reddy. .. Petitioner.

And

Government of Andhra Pradesh,
Represented by its Secretary,
Home Department, Secretariat,
Hyderabad and others. .. Respondents